

Remarks

Claims 1, 8-12, 17-24, 28-32, 34-36, 38, 40, and 41 are pending in the application and are subject to a restriction requirement. Applicant hereby elects Group I, claims 1, 8-12, and 17, with traverse for prosecution on the merits. Applicant traverses on the grounds that the basis for determining Group I and III do not relate to a single general inventive concept is incorrect.

Page 2 of the Office Action states that the printer of Group III does not require the limitations of the matte toner present in claim 1 of Group I. On the contrary, claim 34 expressly requires the limitations of claim 1 by specific reference to claim 1. The remaining claims of Group III depend from claim 34. The remaining claims of Group I depend from claim 1. Consequently, Applicant asserts that the claims of Group I and III are entitled to consideration. Applicant requests examination of Group I and III in the next Office Action.

In addition, pursuant to MPEP §806.05(c), restriction to claim 1 and the exclusion of claim 34 constitutes an improper restriction between a combination (claim 34) and subcombination (claim 1) where the subcombination is essential to the combination. Thus, Applicant further requests examination of Group I and III in the next Office Action.

Applicant assumes for purposes of this response that the Office has made a complete requirement for restriction in accordance with MPEP §§815 and 817. If the Office has not made a complete requirement, then Applicant further traverses this restriction requirement. Applicant then also respectfully requests the Office to withdraw this restriction requirement and provide a complete restriction requirement so that Applicant can properly assess Office's assertions.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is typically available for telephone consultation during normal business hours (Pacific Time Zone).

Respectfully submitted,  
Udi Chatow

By: /James E. Lake/  
James E. Lake  
Reg. No. 44,854  
Date: October 15, 2008

*Serial No. 11/524,019  
Case 200505159-1  
Amendment A*